

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Kazutaka HARA et al.**

Art Unit: **2885**

Application Number: **10/570,141**

Examiner: **Jacob Y. Choi**

Filed: **March 1, 2006**

Confirmation Number: **5071**

For: **LIGHT SOURCE DEVICE AND CRYSTAL DISPLAY DEVICE**

Attorney Docket Number: **062189**

Customer Number: **38834**

PRE-APPEAL BRIEF – REQUEST FOR REVIEW

Mail Stop: AF

September 11, 2009

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This request is being filed concurrent with a Notice of Appeal in compliance with 37 C.F.R. §41.31. Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this Request.

REMARKS

Claims 1-28 are pending in the present application. Claims 1-7 and 23-26 are withdrawn from consideration. Claims 8, 12, 13, 14, 16-18, 20-22, 27, & 28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weber. Claims 9, 10, 11, 15, & 19 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al. in view of Albro.

Claim Rejections - 35 U.S.C. §103

Independent Claim 8

A prima facie case of obviousness requires that the combination of the cited prior art, coupled with the general knowledge in the field, must provide all of the elements of the claimed invention.

Claim 8 is drawn to at least ... *a transmittance angle dependent polarizing layer (T2) which transmits a polarized light component of one direction of polarization in normal incident light, and selectively reflects the other polarized light component and reflects obliquely incident light regardless of a direction of polarization is disposed on one surface of the sidelight type backlight light guide plate (L), said transmittance angle dependent polarizing layer (T2) is a polarizing element (A) in which a retardation layer (b) is inserted between at least two reflection polarizers (a) having wavelength bands, overlapped one on the other, of selective reflection of polarized light*

It is respectfully submitted that the Office has erred substantively as to the factual findings based on the teachings of the Weber reference. More specifically, in Fig. 4, Weber teaches a reflective polarizer 12 being made of alternating layers (ABABA...) of two different polymeric materials. However, Weber does NOT teach a retardation layer between two reflection polarizers such as reflection polarizer 12. In other words, Weber merely teaches a linear polarization type reflection polarizer which is only one layer of the transmittance angle

dependent polarizing layer (T2). Consequently, the Weber reference does not teach or disclose the transmittance angle dependent polarizing layer (T2) as recited in claim 8.

On page 2 of the Advisory Action, the Office contends that Weber shows two reflection polarizers (112 and 138). However, Applicant respectfully submits that the structured surface 112 is NOT a reflection polarizer. The structured surface 112 is an array of prisms that may include some polarizing nature. However, it is to be noted that the reflection polarizer has a nature such that it can reflect one polarizing light and it can transmit the other polarizing light. In contrast, the array of prisms does NOT have such reflection property. Therefore, the structured surface 112 is NOT a reflection polarizer and will be so comprehended by an artisan of ordinary skill in the art.

Also, the Office is confusing between multilayer-stacks and retardation layer. In Weber, the retardation layer is one component of the multilayer-stacks but it is not added to the stacks. Therefore, the retardation layer does NOT exist other than as the component of multilayer-stacks which themselves form the reflection polarizer.

In contrast, in the claimed invention, the transmittance angle dependent polarizing layer (T2) is a polarizing element (A) in which a retardation layer (b) is inserted between at least two reflection polarizers (a) having wavelength bands, overlapped one on the other, of selective reflection of polarized light

Furthermore, on page 2 of the Advisory Action, the Office alleges that the multilayer-stacks satisfy reasonable interpretation of the claim language because they have high reflectivity for both s and p polarized light over a wide range of angles.

However, an artisan of ordinary skill will NOT understand this sentence to mean that multilayer-stack reflects obliquely incident light regardless of a direction of polarization as recited in claim 8. For example, in Weber, Fig. 17, the curve “a” shows the case for “s” polarized light and the curves “b to e” show cases for “p” polarized light (column 16 Line 55-57). This figure shows that the reflectivity differs depending on the direction of polarization.

In contrast, in the claimed invention *a transmittance angle dependent polarizing layer (T2) which ... reflects obliquely incident light regardless of a direction of polarization is disposed on one surface of the sidelight type backlight light guide plate (L)*

In summary, the stacked structures shown in Figs 4 and 14 of Weber, is clearly distinguishable from the transmittance angle dependent polarizing layer (T2) of the claimed invention.

Therefore, in view of the foregoing, it is respectfully submitted that because Weber does not disclose a transmittance angle dependent polarizing layer (T2) as recited in claim 8. Accordingly, it is requested that the rejection under 35 U.S.C. §103 be withdrawn.

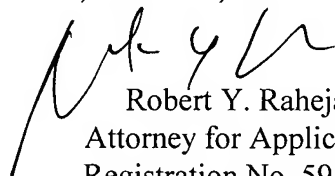
Given that the cited prior art does not teach or disclose *a transmittance angle dependent polarizing layer (T2) which transmits a polarized light component of one direction of polarization in normal incident light, and selectively reflects the other polarized light component and reflects obliquely incident light regardless of a direction of polarization is disposed on one surface of the sidelight type backlight light guide plate (L), said transmittance angle dependent polarizing layer (T2) is a polarizing element (A) in which a retardation layer (b) is inserted*

between at least two reflection polarizers (a) having wavelength bands, overlapped one on the other, of selective reflection of polarized light in claim 8, Applicants submit that one of skill in the art would not find claims 8, 12, 13, 14, 16-18, 20-22, 27, and 28 obvious and, therefore, respectfully submit that the rejection under 35 U.S.C. §103 is improper and request that it be withdrawn.

In addition, claims 9, 10, 11, 15, and 19 by virtue of their dependency on claim 8 are also patentable, because they incorporate the distinguishing feature of independent claim 8.

If there are any fees due in connection with the filing of this paper, please charge Deposit Account No. 50-2866.

Respectfully submitted,
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